

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CRIMINAL APPLICATION NO.1489 OF 2021

LAXMIKANT KACHRU KAHAR AND OTHERS
VERSUS
RADHIKA W/O. LAXMIKANT KAHAR

Mr.K.N. Shermale h/f. Mr.Y.H. Jadhav, Advocate for the applicants.

Mr.N.G. Kale, Advocate for the sole respondent.

CORAM : N.R.BORKAR, J.

DATED : 08.12.2021

PC :-

01. By this application under section 482 of the Cr.P.C., the applicants have prayed that Misc. Criminal Application No.190 of 2021 filed by the respondent under section 12 of the Protection of Women from Domestic Violence Act, be quashed.

02. The learned Counsel for the applicants, on instructions, seeks permission to withdraw present application so far as applicant Nos.1 to 3 is concerned.

03. The application is dismissed as withdrawn qua

applicant Nos.1 to 3.

04. The learned Counsel for the applicants submits that applicant Nos.4 to 7 are married sisters-in-law of the respondent. It is submitted that applicant No.8 is the niece of the husband of the respondent. It is submitted that allegations against the applicant Nos.4 to 8 are that on 06.06.2017 the applicant Nos.4 to 7 said to the husband of respondent that, if the respondent is unable to give Rs.Twenty Five lakhs for constructing farm house, then he should give divorce to her. It is submitted that respondent has further alleged that as she told the applicant Nos.4 to 7 that they should not talk about the divorce, the applicant Nos.4 & 8 got annoyed and slapped her. It is submitted that except these allegations there are no other allegations against the applicant Nos.4 to 8. It is submitted that the allegations against applicant Nos.4 to 8 on the face of it are hard to believe and are made just to harass the applicant Nos.4 to 8. It is submitted that complaint/

application filed by the respondent under section 12 of the D.V. Act thus needs to be quashed to the extent of applicant Nos.4 to 8.

05. On the other hand, learned Counsel for the respondent submits that there are specific allegations against applicant Nos.4 to 8. It is submitted that considering the allegations against applicant Nos.4 to 8, complaint/application filed by the respondent against them may not be quashed.

06. Admittedly, applicant Nos.4 to 7 are married sisters-in-law of the respondent and applicant No.8 is niece of the husband of the respondent. Except the incident dated 06.06.2017, there are no other allegations against them. No reason is assigned as to what made applicant Nos.4 to 7 to come to their parents house on the day of alleged incident. The respondent has roped in even the niece of her husband. Considering these facts and circumstances of the case, I am inclined to quash the

application filed by the respondent under section 12 of the Protection of Women from Domestic Violence Act, to the extent of applicant Nos.4 to 8.

07. In the result, following order is passed :-

- i. The application is partly allowed.
- ii. The application filed by the respondent under section 12 of the Protection of Women from Domestic Violence Act as against applicant Nos.4 to 8 is quashed.

[N.R.BORKAR, J.]